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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,426	09/06/2006	Sean McElherron	S1011/20203	6456
3000	7590	02/19/2008	EXAMINER	
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212				WILLIAMS, MONICA L
ART UNIT		PAPER NUMBER		
3644			NOTIFICATION DATE	
02/19/2008			DELIVERY MODE	
ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/596,426	MCELHERRON, SEAN
	<b>Examiner</b>	<b>Art Unit</b>
	MONICA L. WILLIAMS	3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 June 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 17-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 17-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 05/03/2007.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-18 and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (GB 2,385,506 A).

3. In re claims 17, 28-30, and 32-33, with reference to Figure 1, the abstract, and page 1 para.3, Smith discloses a restraint device for an animal comprising a neck collar (1) for the animal having inter-engageable ends (2,4), a surface of the collar having longitudinally spaced apart lead guide means (3) mounted on either side of the longitudinal center of the collar; a lead (5) having a pair of ends, the lead passing through the lead guide means and having stop means (7) at each end to which a leash is attachable; slider means (6) mounted on the lead located between the lead guide means and arranged to allow a portion of the lead to assume a generally noose like shape to encompass the nose and mouth region of the animal made from metal which does not cause allergic reaction, wherein the lead comprises securing means (7) at either end thereof which are securable together once the leash has been removed from the stop means to leave little or none of the lead dangling from the collar.

4. In re claim 18, with reference to Figure 1, Smith discloses the lead guide means (3) are arranged as two outer guide means which are engageable with the stop means

and two inner guide means which are located one on each side of the longitudinal center of the collar.

5. In re claim 31, with reference to page 2 para.3, Smith discloses the slider means (6) comprises a pair of friction surfaces against which the lead means bears and which friction surfaces allow the free, or at least substantially unimpeded passage of the lead means.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (GB 2,385,506 A).

8. In re claim 22, Smith discloses the claimed invention above except for the lead being 2.5 to 1.5 times longer than the collar. Smith does show in the Figures that the lead is longer than the collar and also states on page 2 paragraphs 2 and 3 that the leads and collars vary in length depending on the size and shape of the dog. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Smith to have the lead being 2.5 to 1.5 times longer than the collar, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

9. Claims 19-21, 23-24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (GB 2,385,506 A) in view of Manzella et al (6,460,488).

10. In re claims 19-21, 23-24, and 27, Smith discloses the claimed invention above except for the securing means comprising clips which are securable to various parts of the collar.

11. However, with reference to Figure 1, Manzella et al disclose a leash with a circle ring (12) and the end and a metal spring clip (14) attached to that circle. The advantage of this is to have a quick connection and disconnection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the securing means of Smith with metal spring clips as taught by Manzella et al in order to have a quick connection and disconnection feature. With these metal spring clips the lead ends could be attached to each other or any other part of the collar.

12. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (GB 2,385,506 A) in view of Hull et al (5,497,733).

13. In re claims 25-26, Smith discloses the claimed invention above except for the securing means comprising hook and eye fasteners.

14. However, with reference to Figure 1 and the abstract, Hull et al disclose a lead with hook and eye fasteners at the ends. The advantage of this is to have a quick connect means to attach the lead to itself and to the collar when not in use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the securing means of Smith with hook and eye fasteners as

taught by Hull et al in order to have a quick connect means to attach the lead to itself and to the collar when not in use.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA L. WILLIAMS whose telephone number is (571)270-3113. The examiner can normally be reached on Mon to Fri 7:30-5:00, Alternate Friday off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3644

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MW 02/12/2008